

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RACHEL WEINGEIST, individually and on behalf
of all other persons similarly situated who were
employed by TROPIX MEDIA & ENTERTAINMENT
and TROPIX HOLDINGS LLC and TROPIX INC.,

Plaintiff,

- against -

Case No.: 1:20-cv-00275 (ER) (SLC)

**DECLARATION IN SUPPORT
OF REQUEST FOR
CERTIFICATE OF DEFAULT**

TROPIX MEDIA & ENTERTAINMENT,
TROPIX HOLDINGS LLC, TROPIX, INC.,
MARIO BAEZA, TAYMI CESPEDES,
JAVIER RODRIGUEZ, and TANIA MILAN,

Defendants.
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DARIUS A. MARZEC, ESQ., declares, under the penalty of perjury the following to be true:

1. I am an attorney duly admitted to practice in the State of New York and to the United States District Court for the Southern District of New York, and I represent Plaintiff RACHEL WEINGEIST in this matter. I am familiar with the facts and circumstances of this case as set forth herein.

2. This action was commenced pursuant to the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 *et seq.*) and the various wage orders promulgated thereunder by the U.S. Department of Labor and codified under 29 C.F.R. § 552 *et seq.* ("FLSA"), New York Labor Law Articles 6 and 19 and various wage orders, by the filing of a summons and complaint on January 16, 2020 and the filing of a first amended complaint on January 24, 2020.

3. Defendants TROPIX MEDIA & ENTERTAINMENT, TROPIX HOLDINGS LLC, TROPIX, INC., MARIO BAEZA, TAYMI CESPEDES, JAVIER RODRIGUEZ, and TANIA MILAN were all served with the summons and amended complaint on February 20, 2020.

4. Proof of service of the summons and amended complaint for Defendants TROPIX MEDIA & ENTERTAINMENT (Docket Document #37), TROPIX HOLDINGS LLC (Docket Document #38), TROPIX, INC. (Docket Document #39), MARIO BAEZA (Docket Document #40), TANIA MILAN (Docket Document #41), TAYMI CESPEDES (Docket Document #42), and JAVIER RODRIGUEZ (Docket Document #43) were filed on February 24, 2020 (Docket Documents #37-43).

5. The time for Defendants TROPIX MEDIA & ENTERTAINMENT, TROPIX HOLDINGS LLC, TROPIX, INC., MARIO BAEZA, TAYMI CESPEDES, JAVIER RODRIGUEZ, and TANIA MILAN to answer or otherwise move with respect to the amended complaint herein has expired.

6. Defendants, TROPIX MEDIA & ENTERTAINMENT, TROPIX HOLDINGS LLC, TROPIX, INC., MARIO BAEZA, TAYMI CESPEDES, JAVIER RODRIGUEZ, and TANIA MILAN, have not answered or otherwise moved with respect to the amended complaint, and the time for Defendants TROPIX MEDIA & ENTERTAINMENT, TROPIX HOLDINGS LLC, TROPIX, INC., MARIO BAEZA, TAYMI CESPEDES, JAVIER RODRIGUEZ, and TANIA MILAN to answer or otherwise move has not been extended.

7. That Defendants TROPIX MEDIA & ENTERTAINMENT, TROPIX HOLDINGS LLC, TROPIX, INC., MARIO BAEZA, TAYMI CESPEDES, JAVIER RODRIGUEZ, and TANIA MILAN are not an infant or incompetent. Defendants TROPIX MEDIA & ENTERTAINMENT, TROPIX HOLDINGS LLC, TROPIX, INC., MARIO BAEZA, TAYMI CESPEDES, JAVIER RODRIGUEZ, and TANIA MILAN are not presently in the military service of the United States as appears from facts in this litigation. See Affidavit of Plaintiff RACHEL WEINGEIST attached hereto and made a part hereof.

WHEREFORE, Plaintiff, RACHEL WEINGEIST, requests that the default of Defendants TROPIX MEDIA & ENTERTAINMENT, TROPIX HOLDINGS LLC, TROPIX, INC., MARIO BAEZA, TAYMI CESPEDES, JAVIER RODRIGUEZ, and TANIA MILAN be noted, and a certificate of default issued for each Defendant.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: March 26, 2020
Brooklyn, New York

MARZEC LAW FIRM, P.C.

By: /s/ Darius A. Marzec
Darius A. Marzec, Esq.
Attorneys for Plaintiff
RACHEL WEINGEIST
776A Manhattan Ave, Suite 104
Brooklyn, New York 11222
(718) 609-0303
(718) 841-7508 (not for service)
dmarzec@marzeclaw.com